

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Inhibitors of Apoptosis, the specification of which

☒ is attached hereto.

☐ was filed on as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number) (Country) (Date Filed)

Yes ☐ No ☐

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status)  
(patented, pending, abandoned)

Direct all telephone calls to David Brezner at (415) 781-1989.

Address all correspondence to:

FLEHR, HOMBACH, TEST,  
ALBRITTON & HERBERT  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Full name of sole or  
first inventor:

MIKE ROTHE

Inventor's signature:

*Mike Rothe*

Date:

12/4/95

Residence:

San Mateo, CA (City and State)

Citizenship:

USA / Germany circle correct one & initial

Post Office Address:

270 East Grand Ave.

S. San Francisco, CA 94080

Full name of second joint  
inventor, if any

David V Gredel

Inventor's signature:

*David Gredel*

Date:

11/30/95

Residence:

Hillsborough, CA

Citizenship:

USA

Post Office Address:

270 East Grand Ave.

S. San Francisco, CA 94080

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am ☐ the owner of the small business concern identified below or ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Tularik, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 270 E. Grand Ave, South San Francisco, CA 94080

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled, *Inhibitors of Apoptosis* by inventor(s) Mike Rothe and David Goeddel, described in ☒ the specification filed herewith or ☐ application serial no. filed. If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name/Title: James Gower, CEO

Address: Tularik, Inc., 270 E. Grand Ave, South San Francisco, CA 94080

SIGNATURE \_\_\_\_\_

DATE 11/30/95

X

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Rothe et al. Atty. Docket No. T95-005-1

Application No.: 08/569,749 Filed: 12/8/95

Entitled: Inhibitors of Apoptosis

Tularik Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, university, government agency etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7895, Frame 0345, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/19/97  
Date

Terry Rosen  
Signature

Terry Rosen  
Typed or printed name

Vice President, Research Operations  
Title

THE UNITED STATES PATENT OFFICE

In re application of:  
ROTHE and GOEDEL

Serial No.: 08/569,749

Filing Date: December 8, 1995

For: *Inhibitors of Apoptosis*

Art Unit: Not yet assigned

Examiner: Not yet assigned

Attorney Docket No. T95-005-1

Assistant Commissioner for Patents  
Washington, DC 20231

1. ☒ I hereby revoke all previous powers of attorney or authorization of agents in the above identified application.
2. ☐ I hereby revoke less than all previous powers of attorney or authorization of agents in the above application. Revocation applies to the following person(s): (Give name(s) and registration number(s)).
3. ☒ I/we hereby appoint the following person(s) as my/our attorney(s) or agent(s) to prosecute said application, and to transact all business in the Patent and Trademark Office connected therewith: (Give name(s) and registration number(s))  
Richard Aron Osman, Reg. No. 36,627
4. ☐ The correspondence address is NOT affected by this communication.  
☒ Change the correspondence address and direct all future correspondence to:  
Science & Technology Law Group  
75 Denise Drive  
Hillsborough, CA 94010

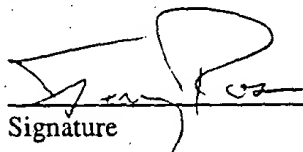
I am the:

☐ Applicant(s) (signatures of all applicants are required).

☒ Assignee of record of the entire interest.

Certification under 37 CFR 3.73(b) ☐ is enclosed

☒ has already been filed in this application

 03/11/97  
Signature Date

Address: Tularik, Inc.  
Two Corporate Drive  
So. San Francisco, CA 94080

Terry Rosen  
Typed or printed name

RECORDATION FORM COVER SHEET  
PATENTS ONLYAttorney Docket No. 795-005-2

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Mike Rothe and David V. GoeddelAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: Tularik, Inc.Address: Two Corporate DriveSouth San Francisco, CA 94080

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name

Other: \_\_\_\_\_

Execution Date: 11/30/95 and 12/4/95Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s): Filed herewith

If this document is being filed together with a new application, the filing date of the application is:

A. Patent Application No.(s)

Filed herewith

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard Aron OsmanAddress: Science & Technology Law Group75 Denise DriveHillsborough, CA 940106. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$40.00☒ Enclosed☒ Authorized to be charged to deposit account, if necessary

## 8. Deposit account number:

19-0750

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Rebecca Graff  
Name of Person SigningRebecca Graff  
SignatureOct. 12, 2000  
DateTotal number of pages including cover sheet: 2

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
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Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

JQ921 U.S. TO  
09/689366  
10/12/00

## ASSIGNMENT

WHEREAS WE, Mike Rothe and David V. Goeddel of 270 E. Grand Ave, South San Francisco, CA 94080, have invented certain new and useful improvements in Inhibitors of Apoptosis, and having executed concurrently herewith an application for United States patent disclosing and identifying the invention; and

Whereas, Tularik, Inc., a corporation of the State of California and having its principal place of business at 270 E. Grand Ave, South San Francisco, CA (hereinafter referred to as assignee) is desirous of acquiring the entire right, title, and interest in and to said invention, said application and the Letters Patent to be obtained therefor;

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to us in hand paid, the receipt and sufficiency whereof are hereby acknowledged, we have sold assigned, and set over and by these presents do hereby sell, assign, and set over unto the said Tularik, Inc. and said assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said application, and the Letters Patent, both foreign and domestic, that may or shall issue thereon; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned assignee agreeably with the terms of this assignment.

We hereby authorize the above-mentioned assignee or its legal representative to insert in this instrument the filing date and serial number of our said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Upon said consideration, we convey to said assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we do hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: 12/4/95 By: Mike Rothe X  
Mike Rothe

Date: 11/30/95 By: David V. Goeddel X  
David V. Goeddel